

Notes from Dr. Murrey's Oral Argument v. defendant Vanessa Valdes  
8 April 2024  
Anti-SLAPP Motion to Strike  
LASC Case No. 23STCV14890

- 1) Firstly, defendant Valdes failed to provide a declaration so her motion has to fail as a matter of law.
- 2) Regarding free speech as a protected activity:

Valdes' comments were not made in a public place insofar as they were not only kept secret from plaintiff, but also, after becoming aware of them, he was unable to join the Facebook group to gather evidence publicly and worse, he was unable to defend himself.

This court argues that because there were "millions of users" this is therefore a public forum. However, as noted in plaintiff's opposition: "millions of users" does not equal public forum. Just because a large amount of people see something does not mean it is automatically of public interest (*All One God Faith, Inc. v. Organic & Sustainable Industry Standards, Inc.* (2010) 183 CA4th 1186, 1203, 107 CR3d 861, 874; *Price v. Operating Engineers Local Union No. 3* (2011) 195 CA4th 962, 873, 125 CR3d 220, 227).

The court also argued based upon questionable case-law that public forums can exclude parts of the public while paradoxically still be considered public forums. However, even this case law is based only upon small groups of people. Statements made in a newsletter of limited circulation to a *small* neighborhood of homeowners and characterized as "a mouthpiece for a small group of homeowners who generally would not permit contrary viewpoints to be published in the newsletter" has likewise been held to be a public forum. (*Damon v. Ocean Hills Journalism Club* (2000) 85 Cal.App.4th 468, 476.)

Further, my personal life, including my dating life, is private and not a public issue. As this court should be aware, the Facebook groups in question are called "Are We Dating The Same Guy?" and not "Security for Women" or "Protecting Women" etc. Thus the Facebook group is itself already defaming, as it suggests that anyone mentioned therein is "cheating" and therefore acting "fraudulent", etc. Defendant Valdes failed to file a declaration and answer critical discovery questions that go to this issue all of which this court unlawfully also ignores.

- 3) The court falsely states that plaintiff has no evidence of defamatory comments by defendant Valdes:

Valdes stated: **"HOW HAS THIS GUY NOT BEEN REMOVED FROM DATING APPS AND ARRESTED ALREADY?!?! I matched with him a couple years ago and received the most BIZARRE and threatening messages from him! It was so weird and scary that I even reported him to Hinge support, but never knew if anything was done**

about him. **I'm so disgusted to see all these horrible testimonials about him, because it means he gets away with everything. He needs to be stopped!"**

This court falsely interprets Valdes' words as "hyperbole". This means the judge thought she was exaggerating. However, Valdes made her comments intentionally in the context of other statements falsely claiming that plaintiff has domestic charges against him, has committed murder, has extorted, has STDs, has stalked and harassed women at hotels, has falsely claimed to be an attorney, etc. all of which are false.

So how can Valdes' speech be considered just a comic exaggeration and not part of a civil conspiracy to cyberbully plaintiff via defamation and harassment?

Valdes also misconstrued the language of plaintiff when he referred to "**watching her burn**" her second chance to connect with him and allows Valdes to falsely state that plaintiff wanted to "watch her burn" in a threatening way i.e. burn to death. Thus there is no way anyone with common sense can decipher the alleged "logic" of this court.

As this court should be aware, in *Forsher v. Bugliosi*, supra, 26 Cal.3d 792 the court reaffirmed settled principles that "the definition of libel has been held to include almost any language which, upon its face, has a natural tendency to injure a person's reputation." Further, "[a] defendant is liable for what is insinuated, as well as for what is stated explicitly." (Ibid.; *Bates v. Campbell* (1931) 213 Cal. 438, 442 [2.P.2d.383]) A writing can be libelous if it implies a false assertion of fact (*McGarry*, supra, 154 Cal.App.4<sup>th</sup> at p. 112). As is clear from the evidence, plaintiff has not violated any law. However, this is not hyperbole. Valdes and others conspired to have plaintiff removed from all dating apps. So why is this court presuming Valdes is not conspiring to also have him falsely arrested?

As already noted Valdes failed to file a declaration because she cannot verify anything she is claiming.

**Why does this court not right now swear her in and see if what she said was hyperbole or not?**

[as usual the judge failed to answer and remains silent]

If law enforcement fails the public, how is one to protect his or her reputation from this monsters if not through such a civil action?

Although plaintiff clearly explain in his opposition, the court still failed to understand the text-message exchange between himself and Valdes. He was not concerned about "another guy" in Valdes' pictures, he was concerned that Valdes had already annoyed plaintiff recalled that they had previously matched and this is why he screen-shot their conversation, knowing Valdes was a creep. Unlike plaintiff, Valdes failed to file a declaration authenticating any evidence, though both are in pro per, and yet this court believes face value anything defendant arbitrarily claims?

And why is this court not taking note that Valdes threatened plaintiff first by saying: “You’re fucking with the wrong women!” when plaintiff was merely defending himself. There seems to be questionable bias to this court causing it to suffer a failure of judicial discretion.

- 4) Also unlawful, along with failing to understand the new slander of Valdes and defendant in the media e.g. regarding Valdes’ false accusation that plaintiff is “suing 50 women” and for which he can further sue for defamation and false enrichment e.g. via their GoFundMe webpage, is this court’s failure to recognize that Valdes remains guilty of the other causes of action in plaintiff’s complaint, including sex based discrimination and gender violence (Valdes and others not allowing plaintiff to know about nor then join AWDTSF Facebook groups to defend himself and conspiring with them while knowing this), civil conspiracy, invasion of privacy (Valdes obsessively posting plaintiff’s text messages and identifying him in said group from which he is excluded), etc. For this court, Valdes’ acts and participation in this conspiracy to harm a man’s life who simply rejected her are acceptable and we should all accept the kind of society wherein Valdes and her co-criminals get away with such action. Of course this is not acceptable with anyone with common sense and decency, nor it is lawful, and the fact that this court arbitrarily denies this is itself outrageous.
- 5) Finally, because it remains unknown what other crimes and civil torts Valdes committed in regard to this conspiracy, if this court adopts its tentative it need do so without prejudice as Valdes may get caught for further uncivil behavior and have to be added to this case in the future.

Plaintiff requests that this court take under advisement all of the above-noted issues.